

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Johannis Lugtenburg

Serial No. 10/583,082

Confirmation No. 6619

Filed: 08/08/2007

Title: Method of Preparing Porphyrin
Derivatives, Porphyrin Derivatives, Uses
Thereof and Pharmaceutical Compositions

Group Art Unit: 1624

Examiner: McDowell

Atty. Dkt. No.: 20929.0002.PCUS00

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir,

Listed on accompanying form PTO/SB/08A and/or attached to this IDS are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

It is respectfully requested that the Examiner initial and return a copy of the attached form PTO/SB/08A, and indicate in the official file wrapper of this patent application that the documents have been considered.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached form PTO/SB/08A based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

The following items with checked boxes apply to this Information Disclosure Statement (IDS):

- ☒ 1. This IDS is being filed within three months of the U.S. filing date or entry of the national stage OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- ☐ 2. This IDS is being filed more than three months after the U.S. filing date or entry of the national stage AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - ☐ a. I hereby state that each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing this IDS. 37 C.F.R. § 1.97(e)(1); or
 - ☐ b. I hereby state that no item of information in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to filing this IDS. 37 C.F.R. § 1.97(e)(2); or
 - ☐ c. The Commissioner is authorized to charge **Deposit Account No. 08-3038**, referencing the above docket number, in the amount of \$180 in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This IDS is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the IDS be considered. The Commissioner is

authorized to charge **Deposit Account No. 08-3038**, referencing the above docket number, in the amount of \$180 in payment of the fee under 37 C.F.R. § 1.17(p).

- ☐ a. I hereby state that each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing this IDS. 37 C.F.R. § 1.97(e)(1); or
- ☐ b. I hereby state that no item of information in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to filing this IDS. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. In regard to the relevance of non-English language document(s) listed on the enclosed form:
- ☐ a. For document(s) bearing Cite Nos. a discussion is provided in the present specification.
- ☐ b. For foreign patent document(s) bearing Cite Nos. which was/were cited in search report(s) for corresponding foreign application(s), an English language version or translation of relevant portions of the foreign search report(s) is attached.
- ☐ c. For document(s) bearing Cite Nos. , counterpart application(s) in English is/are provided bearing Cite Nos. .
- ☐ d. For document(s) bearing Cite Nos. an English language abstract is attached to the document(s).
- ☐ e. For document(s) bearing Cite Nos. an English language translation is attached to the document(s).
- ☐ f. For document(s) bearing Cite Nos. , a concise explanation of relevance is attached to the document(s).
- ☐ 5. The Examiner's attention is directed to co-pending U.S. Patent Applications Nos. . The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a

patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

- ☐ 6. Copies of document number(s) _____ was/were cited by or submitted to the Office in Application No. _____, filed on _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☐ 7. Copies of U.S. patents and published applications listed on the attached form PTO/SB/08A have not been submitted because this application was filed or entered the national stage under 35 U.S.C. § 371 after June 30, 2003. US PTO OG Notice dated August 5, 2003.
- ☐ 8. Additional document(s) that may be considered material to the examination of this application are enclosed in compliance with the duty of disclosure:

Any extension of time that may be deemed necessary to further the prosecution of this application is hereby requested. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to **Deposit Account No. 08-3038**, referencing docket number 20929.0002.PCUS00.

The Examiner is respectfully requested to contact the undersigned by telephone at the number given below in order to resolve any questions.

Respectfully submitted,

/cjhaitjema/

Coraline J. Haitjema

Reg. No. 63,192

Date: 13 December 2010

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